IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2592 OF 2004

Hemant Laxman Prabhu & anr. ..Petitioners.
Vs.
District Rehabilitation Officer, Thane & Ors. .. Respondents.

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Mr. R.P. Lote for the Petitioners.
Mr. V.P. Malwankar, Assistant Government Pleader for Respondent Nos.1, 2 and 4.
Ms. L.A. Munim with Mr. H.K. Bhalerao and Mr. Rajesh Kothari for Respondent No.3.

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CORAM : KSHITIJ R. VYAS, C.J. &
DR.D.Y.CHANDRACHUD, J.

21st March, 2006.

P.C. :

1. The Petitioner has invoked the writ jurisdiction of this Court with a prayer directing Respondent No.3, Nuclear Power Corporation, to offer suitable job on permanent basis at Tarapur plant to the Petitioner, considering the Petitioner's age, qualification and experience. The Petitioner has made the said claim on the basis that the land bearing Survey No.75/6 admeasuring 0 Hectares 13 Ares was acquired and a notification was issued under the Land Acquisition Act, 1894 in the year 1982 and as per

prevailing practice at that time, the project affected person is provided with a job.

2. Respondent No.3 has filed an affidavit in reply wherein it is stated that some time in the year 1983, land at village Dhiwali belonging to one Babu Bhima Tandel (Prabhu) (the grandfather of the Petitioner) was acquired for the purposes of Unit Nos.1 and 2 of Respondent No.3 known as TAPS. As per the award compensation was duly paid. According to the deponent, the Petitioner who is seeking employment in TAPS 3 and 4 for which the land of the said Babu Bhima Tandel (Prabhu) was never acquired. No land belonging to the Petitioner was acquired. It is further pointed out that the lands of villages Akkarpatti and Popharan only were acquired for TAPS 3 and 4. The Project Affected Persons (PAPs) of the said villages Akkarpatti and Popharan only are entitled to be considered for jobs at TAPS 3 and 4.

3. Even otherwise, the Petitioner is not entitled to claim as a PAP as his case does not fall within the meaning of the 'family' as provided in the explanation of Section 6. As per the said

explanation, 'family' means the spouse, son, unmarried daughter or brother or sister, of the affected person, who is residing with and is dependent on such affected person.

4. The Petitioner being the grand son of Babu Bhima Tandel and there is no material on record to suggest that the Petitioner was residing with and is dependent on such affected person. In view of the same, we find no merit in the Petition which is accordingly dismissed.

CHIEF JUSTICE

DR.D.Y.CHANDRACHUD, J.